

Harris, Leslie D.

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**From:** Berkeley Citizens Action <berkeleycitizensaction@gmail.com>  
**Sent:** Tuesday, November 17, 2015 10:39 AM  
**To:** All Council  
**Subject:** The BCA Steering Committee asks your support to assure that demolition of 2631 Durant does not go forward.

City Council Members and Mayor:

Regarding Item 21 for November 17, the Berkeley Tenants / Associated Students of UC Berkeley's appeal of the demolition of 18 rent-controlled units at 2631 Durant.

We ask your support to ensure that this demolition does not go forward

- 1) We have always understood that BMC23C.080 says that rent controlled units can only be torn down if they are replaced by permanently affordable housing.
- 2) The ZAB's decision that a 4.17% return on investment in the initial year is not enough profit to be called a "fair return" for the developer seems unfair. We can't get 1% return on our savings accounts, and those of us with retirement investments like mutual funds haven't seen more than 4% on our investments in many years. We also understand from the Tenants Union that the rents used to calculate that rate of return were provided by the developer, and think that a more careful study would show those rents are low compared to what a rehabilitated building put back on the a market and no longer under rent control would get in the years to come. This would be the first time Berkeley has allowed an owner to claim he can't make a fair return on a rehabilitated building. It is a bad precedent.
- 3) There is one other disturbing fact in this case – the developer argues that the building is infeasible to repair but allowed the building to be damaged. The staff report shows they invited the Berkeley Fire Department to conduct exercises in the building, including cutting holes in the roof!! To grant this project as requested is to condone demolition by neglect.

Berkeley Citizens Action stands with Berkeley Tenants Union and Associated Students of UC Berkeley in asking that the Council honor the intent of the voter-approved Neighborhood Preservation Ordinance (1974), the Rent Removal Ordinance (1984) and the Demolition Ordinance.

Linda Franklin  
 BCA Steering Committee Secretary